

Public Order Act, 1970

tion of which he puts in jeopardy, assure him the benefit of a nonsuit with respect to his conviction for manslaughter, his lawyers having appealed in his favour.

[English]

The regulations under the War Measures Act, Mr. Speaker, and the bill now before you and the House provide that their provisions shall be enforced by the provincial authorities. This is consistent with what is now, and what has been since confederation, the basic position in this country with respect to the enforcement of the criminal law. The enforcement of the Criminal Code, which embodies the largest part of our criminal law, is left to the provinces. The regulations which were brought into force on October 16 are in their nature criminal law, as are the provisions of this bill.

It has been suggested by some in this House and outside the House that the enforcement of the regulations and these special laws should not have been left to the provincial authorities. I disagree. In large measure, the police resources in the province of Quebec are provincial and municipal resources. In the main, the crown attorneys in the province are employed by the provincial government. Furthermore, the FLQ is largely and peculiarly a menace within Quebec. To hear some who object to provincial enforcement of these laws, one might be led to think that the government of Quebec is an irresponsible government rather than a government elected by the same electorate and by the same democratic processes as are 74 hon. members of this House.

Some hon. Members: Hear, hear!

Mr. Turner (Ottawa-Carleton): I say that kind of talk and that kind of mentality is calculated to sow and nourish seeds of distrust and disunity in this country. What I have said applies to the province of Ontario and the province of British Columbia just as it applies to the province of Quebec. It is a fundamental principle of the enforcement of our criminal law.

In the course of the preparation of the bill now before the House, consideration was given to including in it legislation of a permanent nature that would permit the government of the day to deal with emergencies of the kind which we are now facing without having to resort to the all-embracing authority of the War Measures Act. As hon. members know, the War Measures Act confers upon the federal government the broadest powers to enact laws.

There is, I believe, some feeling that special laws should be enacted so as to permit the government of the day to deal with lawlessness or violence of an organized nature which extends beyond the ambit and the control of the ordinary criminal law. After a good deal of thought and consultation across Canada, within this House and within the caucus which supports the government, it was decided that the government should defer action on proposed permanent legislation in the hope that it would speed up consideration of the measure now before the House, so that the War Measures Act might be withdrawn as soon as possible.

Some hon. Members: Hear, hear!

[Mr. Turner (Ottawa-Carleton).]

Mr. Peters: Why?

Mr. Turner (Ottawa-Carleton): Because we wanted to introduce this bill which was more precise in its provisions than one that circumstances forced us to introduce in a time of emergency and crisis.

Some hon. Members: Hear, hear!

Mr. Turner (Ottawa-Carleton): We also had the thought in mind that proposals for permanent legislation might receive better and more mature consideration on another occasion because, Mr. Speaker, a climate of crisis does not nourish the calm deliberation that the delicate balance between collective security and individual liberties and rights requires.

[Translation]

Hon. members have had a chance since October 16 to familiarize themselves with the Regulations which because of their significance they certainly examined at length. In view of the circumstances, I do not wish to take too much of your time in going back over them. I merely want to point out a few differences between the Regulations and this bill.

The bill was phrased in such a way as to limit further its application. It deals specifically with the Front de libération du Québec and its attempts to resort to force and crime as a means to operate a change in government in Canada, and especially with regards to the province of Quebec or its relationship to Canada.

The bill is aimed at reducing to some extent the presumptions of affiliation with the illegal association as compared with those provided for in the Regulations; furthermore, the periods of detention pending the filing of an indictment have been reduced significantly as compared with those specified in the Regulations.

On the other hand, we have clarified the way the Canadian Bill of Rights will apply to persons who have been arrested, held in jail or convicted under the new law, and it is provided that the rights stated in paragraphs (a) to (g) of Section 2 of the Canadian Bill of Rights will apply with two exceptions. Among the rights which will still apply to arrested or detained persons is the right to retain counsel without delay.

I have to mention also that this bill, like the Regulations, provides for expediting the trial of a person charged with an offence and detained in custody without bail. Indeed, this is a special legislation because it is not generally offered to persons charged with an offence under the ordinary provisions of criminal law.

I should like to make another remark about this law. Once it is implemented, the government intends to repeal it as soon as the threat to freedom and to the constitutional government of this country is brought to heel and settled.

Hon. members will see that the last clause of the bill gives much freedom and flexibility in that field. The government very much hopes that circumstances will soon allow such action.